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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
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13 BARBARA HUBBARD,

14 Plaintiffs,

15 v.

16 C.V. CENTER, INC.; JAMBA JUICE,
COMPANY dba JAMBA JUICE #603;
17 CASUAL DINING SERVICES, INC. dba
PIZZERIA UNO; MERVYN's LLC;
18 STARBUCKS CORPORATION dba
STARBUCKS COFFEE #6632; J. C.
19 PENNEY COMPANY, INC. dba J.C.
PENNEY #1274; SERLER, INC. dba
20 SUBWAY #31595; MANNA
DEVELOPMENT GROUP, LLC dab
21 PANERA BREAD CAFE #4284,

22 Defendants.
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Case No. 08CV471 JAH LSP

**JOINDER OF DEFENDANT JAMBA
JUICE COMPANY TO MOTION TO
DISMISS BY DEFENDANT CASUAL
DINING SERVICES**

Date: June 9, 2008
Time: 2:30 PM
Ctrm: 11
Judge: Hon. John A. Houston

1 TO THE CLERK OF THE COURT, ALL PARTIES AND THEIR RESPECTIVE
2 ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that Defendant Jamba Juice Company ("Jamba Juice") joins in
4 Defendant Casual Dining Services' ("Casual Dining") Motion to Dismiss, filed on May 9, 2008 and
5 scheduled for hearing on June 9, 2008 (Docket No. 17).

6 Jamba Juice, a named defendant in this case and a tenant of the subject property, has standing
7 to join Casual Dining's Motion to Dismiss because Plaintiff Barbara Hubbard ("Plaintiff") asserts the
8 same claims for relief, including California state law claims, against Jamba Juice as alleged against
9 Casual Dining and other defendants in this case. A defendant never waives a challenge on the grounds
10 of subject matter jurisdiction, and may assert that defense after filing an answer. (Fed. R. Civ. Proc.
11 12(h)(3)).

12 Jamba Juice agrees with Casual Dining's subject matter jurisdiction arguments asserted in the
13 Motion to Dismiss. Because Plaintiff's California state law claims are in regards to unsettled state law,
14 this Court should decline supplemental jurisdiction under 28 U.S.C. § 1367(c). If the Court grants the
15 Motion to Dismiss and enters a dismissal order on Plaintiff's state law claims, that order should also
16 apply to Jamba Juice and the other named defendants, since Plaintiff has asserted the same California
17 state law claims against all defendants.

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19 Dated: May 21, 2008

AKIN GUMP STRAUSS HAUER & FELD LLP
CATHERINE A. CONWAY
STEPHANIE S. DER

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22 By /s/ Stephanie S. Der /
STEPHANIE S. DER
23 Attorneys for JAMBA JUICE COMPANY
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 2029 Century Park East, Suite 2400, Los Angeles, California 90067. On May 21, 2008, I served the foregoing document(s) described as: joinder of **DEFENDANT JAMBA JUICE COMPANY TO MOTION TO DISMISS BY DEFENDANT CASUAL DINING SERVICES** on the interested party(ies) below, using the following means:

All parties identified for Notice of Electronic Filing generated by the Court's CM/ECF system under the referenced case caption and number

☒ BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION. Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the respective e-mail address(es) of the party(ies) as stated above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on May 21, 2008 at Los Angeles, California.

Tracy Howe

[Print Name of Person Executing Proof]

/s/ Tracy Howe

[Signature]